

The Commonwealth of Massachusetts

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Department of Public Safety

Architectural Access Board
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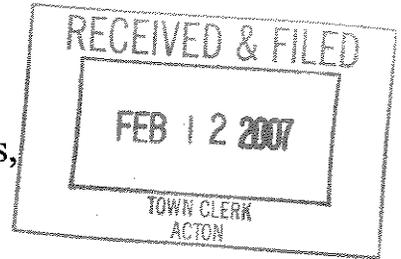
MEMORANDUM

To: City and Town Building Commissioners, Zoning Boards, Planning Boards and DPW Directors

From: Gerald LeBlanc, Chairperson

Date: February 8, 2007

Re: 521 CMR §21.00 Curb Cuts, 521 CMR §22.00 Sidewalks, and 521 CMR §3.10 Temporary Accessible Route



Dear Members of City and Town Zoning Boards and Planning Boards, Building Commissioners and DPW Directors:

It has recently come to the attention of the Architectural Access Board (hereinafter, "the Board") that throughout the Commonwealth curb cuts and sidewalks have been and continue to be constructed which fail to comply in full with the Commonwealth's regulations governing curb cuts and sidewalks, viz 521 CMR §21.00 and 22.00, respectively. All curb cuts and sidewalks constructed in the Commonwealth, including those in commercial and residential developments, must at a minimum fully comply with 521 CMR 21.00 and 22.00. For your reference, a copy of 521 CMR 21.00 and 22.00 is attached to this memorandum.

Failure to comply with 521 CMR 21.00 and 22.00 may potentially result in a complaint being filed with our office, which will subsequently result in the Board taking enforcement action against the legal owner of the non-compliant curb cut(s) and/or sidewalk(s). Please note that if strict compliance with the Regulations is infeasible (e.g., due to site constraints, etc.), relief may be sought through the Board's variance process. For more information on the variance process, as well as the application form, visit www.mass.gov/aab/pro_var.htm.

Lastly, please be aware that 521 CMR 3.10 requires that whenever work is being performed directly on a sidewalk or curb cut, or when a building undergoes work that has an impact on the walkways (e.g. a façade project where scaffolding is installed on the sidewalk), a temporary accessible route must be provided around the construction site.

If you have any questions or concerns, please feel free to contact our office.